



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, January 11, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Mayor Pro Tem Red Byboth, Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman Bennie Jones and Councilman David Goss.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Fire Chief, Randy Corbin; Finance Director, Linda Bantz; Police Chief, John Duscio; Public Services Director, Mike Sferra; City Engineer, Chris Holsted; WEDC Executive Director, Sam Satterwhite; Construction Manager, Shane Colley; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Eric Hogue gave the invocation. The Wylie Fire/Rescue Honor Guard presented the colors and Cub Scout Pack 304, Den 8 of Birmingham Elementary led the Pledge of Allegiance. Cub scouts present included: Zachary Kvale, Collin Sumners, Dylan Smith and Reagan Armstrong. Den leader Tiffany Kvale and Assistant Den Leader Michelle Sumners were also present.

PRESENTATION

- **Presentation of the colors by the Wylie Fire & Rescue Honor Guard.**

Wylie Fire/Rescue Honor Guard and City Manager Mindy Manson presented the Texas and American flags that had flown at the old municipal building. City Manager Manson explained "the changing of the colors signifies that we have made a transition as an organization. The previous colors that you see here tonight have served our city for many years as a symbol of our nation's pride and tradition. The retiring of these colors and the posting of a new national flag is a representation of the growth of our great city."

The Honor Guard saluted as the old flag was taken down. Manson explained that the new flag is presented for inspection and the old flag is given to the guard for safekeeping. The new colors were then posted and saluted.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Former Mayor Jim Swartz, residing at 506 Jefferson, Wylie, addressed council stating that the Wylie Advocacy for Seniors had the 501c3 status and was working toward the transition of the senior center to the old City library. He explained that the organization would assist in any way they could.

Robert Heath, residing at 209 Arborview, Wylie, addressed council stating that he represented the Downtown Merchants Association. He reported the association had met and were considering sponsoring the July Jubilee Event for 2011.

Councilman David Goss addressed council stating that he wanted to request council bring back consideration of a Code of Conduct and make this request part of the public record.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of the Minutes of the December 14, 2010 Regular Meeting of the Wylie City Council. (C. Ehrlich, City Secretary)**
- B. Consider and place on file the City of Wylie Monthly Revenue and Expenditure Report as of November 30, 2010. (L. Bantz, Finance Director)**
- C. Consider and place on file the City of Wylie Monthly Investment Report for November 30, 2010. (L. Bantz, Finance Director)**
- D. Consider and place on file the Wylie Economic Development Corporation Revenue and Finance Report as of November 30, 2010. (S. Satterwhite, WEDC)**
- E. Consider, and act upon, Resolution No. 2011-01(R) establishing a public newspaper of general circulation to be the "Official Newspaper" for the City of Wylie and further designating a secondary newspaper for notices requiring specific legal requirements. (C. Ehrlich, City Secretary)**
- F. Consider, and act upon, Ordinance No. 2011-01, amending the zoning from Agricultural 30 (AG/30) to Light Industrial (LI) on 2.971 acres (L.K. Pegues Survey, Abstract No. 703, Tract 3) generally located east of Hooper Road and south of Steel Road, more specifically 331 Hooper Road. ZC 2010-07(R. Ollie, Planning Director)**
- G. Consider, and act upon, approval of a Replat for Aldi Wylie Addition, Lots 1 and 2, Block A creating a single commercial lot generally located on the north of FM 544 and approximately 800' east of McCreary Road. (R. Ollie, Planning Director)**

Council Action

A motion was made by Councilman White, seconded by Mayor pro tem Byboth to approve the consent agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

Tabled from 11/9/2010:

Motion to remove from the table and consider and act:

Council Action

A motion was made by Mayor pro tem Byboth, seconded by Councilwoman Spillyards to remove Item #1 (ZC 2010-04) from the table and consider. A vote was taken and the motion passed 7-0.

- 1. Consider, and act upon, amending Zoning Ordinance 2006-04, Article 5, Section 5.1.J (Accessory Uses); allowing for and providing certain safeguards relating to Home Occupations. ZC2010-04 (R. Ollie, Planning Director)**

Staff Comments

Planning Director Ollie addressed council stating that Home Occupations are currently allowed in the City and have been since the adoption of Ordinance No. 62-5 with somewhat restricted regulations. The Ordinance; as adopted in 1985, specifically did not allow customers to retrieve items from the business owner's residence. Some transactions, due to State and Federal regulations, have additional steps in the process that necessitates the products being delivered to the sellers address and not to the customer who originally made the purchase. A change to the Home Occupation Ordinance would continue promoting entrepreneurship while maintaining the residential integrity of the neighborhood.

Ollie reported the Commission discussed the effect the proposed amendment would have on in-home day care centers and how they operate. As an additional safeguard, the Commission recommends adding a clause to exempt in-home day cares for the guidelines of the Home Occupation Ordinance. The exemption would exclude those homeowners who operate an in-home day care that is certified, listed or registered with the State of Texas. Those businesses that are included would be those that meet the definition as outlined in the Human Resources Code Chapter 42:

Sec. 42.002. DEFINITIONS. In this chapter:

(9) "Family home" means a home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

e) The exemptions provided by Subsection (b) of this section do not affect the authority of local, regional, or state health department officials, the state fire marshal, or local fire prevention officials to inspect child-care facilities.

Ollie noted that in addition, the Commission discussed the number of employees allowed on the premises. It was the decision of the Commission to allow no more than 2 additional employees who do not reside on the premises. This would allow those businesses who require additional help in operating a business, but will not have a significant adverse affect on on-street traffic flow. It was stated that the already existing provision that limits pedestrian and vehicular traffic to that normally associated with residential districts would suffice as the mechanism that ensures no business regardless of employees could impede on the residential character of the neighborhood.

The Commission added a clause stating that a property owner has the opportunity to seek a variance to this ordinance only in accordance with Section 8.4 of the current Zoning Ordinance.

The statement "there shall be no sale of merchandise which requires customers to go to the property" was removed. She reported the commission had voted 4-0 to recommend approval of these amendments to the Wylie City Council.

Public Input

Margaret Justiss, residing at 312 Foxwood Lane, Wylie, addressed council stating that on behalf of her community, she was requesting that council keep regulations that protect residential neighborhoods.

Council/Staff Discussion

Councilwoman Spillyards asked Planning Director Ollie whether information had been gathered regarding other cities' policies for outside employees. Ms. Ollie reported that Allen, Cedar Hill, Euless, Richardson and Southlake do not allow any outside employees. McKinney, Rowlett, Murphy and Plano allow only one outside employee in a home occupation setting. Only Frisco allows two outside employees. Councilwoman Spillyards asked why two outside employees had been chosen. Planning Director Ollie replied there was no particular reason but rather a compromise by the members.

Mayor pro tem Byboth voiced his concern with regard to traffic and parking with parents dropping off their children and picking them up from day care. Planning Director Ollie explained that the pickup and drop off would be staggered due to different age groups.

Council Action

A motion was made by Councilman Goss, seconded by Councilman Jones to amend Zoning Ordinance No. 2006-04, Article 5, Section 5.1.J (Accessory Uses); allowing for and providing certain safeguards relating to Home Occupations as presented (ZC 2010-04). A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

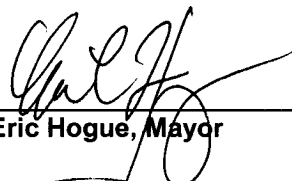
City Secretary Ehrlich read the caption to Ordinance No. 2011-01 into the official record.

ADJOURNMENT

With no further business before the Wylie City Council, a motion was made by Councilman Porter, seconded by Councilman Jones to adjourn the meeting at 6:48 p.m. A vote was taken and the motion passed unanimously.

ATTEST:


Carole Ehrlich, City Secretary


Eric Hogue, Mayor

